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FILED

MAR 21 2006

RICHARD W. WITTING
 CLERK OF COURT
 NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

UNIVERSAL TRADING & INVESTMENT
 CO.,

Plaintiff,

vs.

PETRO MIKOLAYEVICH KIRITCHENKO,
 et al.,

Defendants.

) Case No. 99-3073 MMC

) ~~(PROPOSED)~~ STIPULATION AND
) ORDER REGARDING ~~PRODUCTION~~
) ~~OF DOCUMENTS~~ BY DEFENDANT
) PETRO KIRITCHENKO TO PRODUCTION OF
) DOCUMENTS

) Date: March 21, 2006

) Time: 9:00 a.m.

) Judge: Hon. Elizabeth D. Laporte

) Ct.: E, 15th Floor

5th Amendment
 Claim

WHEREAS plaintiff has served defendant Petro Kiritchenko Sets 1 through 5 of the
 Requests for Production of Documents in the above styled action,

WHEREAS the said defendant has asserted his rights under the 5th Amendment in response
 to said discovery,

WHEREAS the discovery cut-off in this action is ordered for November 24, 2006 and
 plaintiff asserts that it needs the documents for scheduling depositions,

IT IS HEREBY STIPULATED AS FOLLOWS:

1 1. Defendant Petro Kiritchenko will within 10 days produce the transcript of the Swiss
2 Magistrate questioning Mr. Kiritchenko on February 15-16, 2000 and the transcript of the Assistant
3 United States Attorney questioning Mr. Kiritchenko on April 23-25, 2001 to plaintiff's counsel to
4 be maintained under plaintiff's counsel's control and supervision. Such production shall be made
5 ad hoc in this litigation only and shall not be deemed waiver by the said defendant of the claimed
6 5th Amendment privilege. Defendant Petro Kiritchenko will produce all remaining discoverable
7 documents that plaintiff has requested, without any being withheld on the basis of the 5th
8 Amendment, at such time and in such manner as the parties may agree or, failing to be able to reach
9 agreement, as the court may order.
10

11 2. Neither plaintiff nor its agents shall initiate any communications to any third person
12 about its access to any of those documents and shall not voluntarily transfer their copies to any third
13 persons, including but not limited to any federal or State agencies until the sentencing of Petro
14 Kiritchenko takes place.

15 3. In the event plaintiff is served with a subpoena from a court having jurisdiction
16 regarding any documents produced pursuant to this stipulation, plaintiff's counsel shall forward by
17 fax within two working days a copy of the subpoena to the defendant's counsel. Defendant will then
18 determine whether it wishes to oppose the subpoena. In the event no opposition to the subpoena is
19 timely filed by defendant within five working days of defendant's receipt of the subpoena from
20 plaintiff, plaintiff will comply with the subpoena, subject to any objections plaintiff may have.
21

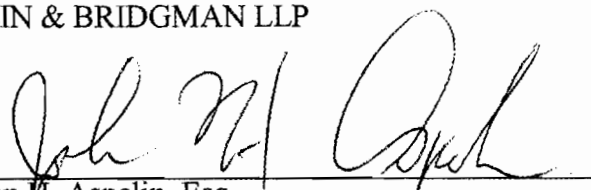
22 (a) Plaintiff shall not depose defendant Peter Kiritchenko until after Pavel
23 Lazarenko is sentenced in the United States' case against him.

24 4. Plaintiff shall not publish any of the produced documents in exhibits to any pleadings
25 until the said defendant's sentencing takes place. However, plaintiff reserves the right to submit
26 produced documents "under seal" as may be allowed by the court subject to plaintiff's request.
27

1 Dated: March 21, 2006

ASPELIN & BRIDGMAN LLP

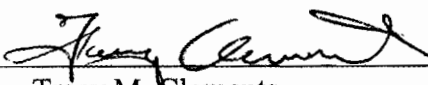
2
3 BY:


John H. Aspelin, Esq.
Attorneys for Universal Trading & Investment Co.

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5
6
7 Dated: March 21, 2006

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

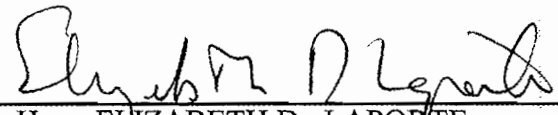
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9 BY:


Tracy M. Clements
Attorneys for Defendants Peter, Izabella, and
Ludmilla Kiritchenko

10
11
12 ORDER

13 The moving, opposing and joining parties having stipulated, and good cause appearing
14 therefore, IT IS SO ORDERED.

15
16 Dated: Mar 21, 2006


The Hon. ELIZABETH D. LAPORTE
United States District Court Magistrate Judge